

**Woodburn Planning Commission
Meeting Minutes
March 09, 2023**

Convened: The Planning Commission met at 7:00 p.m. both in person and through a public online/virtual session via Microsoft Teams.

Roll Call:

Chair	Piper	Absent
Vice-Chair	Ellsworth	Present
Commissioner	Hernandez-Mejia	Present
Commissioner	Berlin	Present
Commissioner	Corning	Present
Commissioner	Bartel	Present
Commissioner	Lassen	Present (Late)

Staff Present:

McKenzie Granum, Assistant City Attorney
Chris Kerr, Community Development Director

Introduction: Vice-Chair Ellsworth called the meeting to order at 7:01pm and asked **staff** to begin roll-call. Vice-Chair Ellsworth led everyone through the Pledge of Allegiance.

Minutes: Vice-Chair Ellsworth brought up the minutes for **February 9, 2023**. She asked for a motion to approve of these minutes. Commissioner Berlin motioned to approve of the minutes from **February 9, 2023**. Commissioner Corning seconded. The vote was unanimous and the minutes of **February 9, 2023**, were approved.

Business from the Audience: None.

Communications: None.

Public Hearings:

CU 22-04 & DR 22-15

Vice-Chair Ellsworth opened the public hearing for **CU 22-04 & DR 22-15: Hardcastle Apartments at 1755 Hardcastle Ave.** She explained that this is conditional use application for multiple-family dwelling and development of a single 3-story apartment building of 9 apartments on the subject property, a triangular lot of approximately 0.44 acres and zoned Commercial General (CG).

Vice-Chair Ellsworth asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visit and there are none. Vice-Chair Ellsworth asked if there were any challenges to the **Commission** and there are none.

Vice-Chair Ellsworth asked for the public hearing statement and **Assistant City Attorney McKenzie Granum** read the statement.

After the statement, **Community Development Director Chris Kerr** began the staff report with a presentation on **CU 22-04 & DR 22-15: Hardcastle Apartments**. Director Kerr gave a brief explanation of the land-use application being a Type III and the **Planning Commission's** role for tonight. He stated that the staff report with its attachments are entered into the record. Director Kerr gave his presentation. After concluding his presentation, Director Kerr asked the **Planning Commission** if there were any questions.

Commissioner Corning asked about the support pole for a powerline that is being requested to be removed. **Director Kerr** answered that it's being requested as a condition of approval and the applicant could pay a fee to keep the pole or remove it and bury the utilities underground. PGE will need to add additional support to the other pole across the street if they remove the proposed pole. **Commissioner Corning** asked if the applicant were to pay the fee, who would take care of it. **Director Kerr** responded that it'll be either the city does something along the public right-of way or when a developer takes interest in the property. **Commissioner Ellsworth** asked if the pole gave power to the demolished house and **Director Kerr** said no, as the main source of power is from the pole across the street, and it transmits power to the neighboring property. She asked about how the property will get power and **Director Kerr** said that utilities will be conducted from underground lines. **Commissioner Corning** asked where she can find the condition for approval that **Senior Planner Colin Cortes** wrote, and **Director Kerr** said that he'll look for it while the applicant for the project presented.

Testimony by the Applicant: Jeff Bolton, 1438 Pine St, Lake Oswego, OR 97034. **Applicant Bolton** explained that the development of this project and working with **Senior Planner Cortes**, **Applicant Bolton** and his team have no problem with the conditions for approval. He felt that they can meet or exceed what was being presented tonight. **Applicant Bolton** explained the difficulty that a smaller developer of the project undertook, when it came to trying to place a multi-family complex on the property. While it fits into the area perfectly, there are factors to take in like improvements and the cost of development. He explained the wiring system of the pole and talked about how the condition was written. **Applicant Bolton** is hoping to have something written up to express the other options that the developers could take to help reduce the cost of the pole removal, otherwise that was his only concern with this project. He mentioned that he worked with **Senior Planner Cortes** to make the building more aesthetically pleasing. **Applicant Bolton** concluded with asking the **Planning Commission** if they have any questions for him.

Commissioner Berlin commented on the underground utilities and asked how those would be paid. **Applicant Bolton** responded with confirming that the utilities will be underground. As for the direction that these utilities will be going, that'll be up to PGE to decided. **Applicant Bolton** said the pole in question doesn't have any use for this proposed development. **Commissioner Berlin** asked if the 22,000 fee was the cost to remove the pole. **Applicant Bolton** explained the process of what it would take to make the pole functional to the development. He preferred to find an alternative solution, so it doesn't burden the developer with a huge cost to pay. Once they have a solid price listed, then they can discuss that option, but **Applicant Bolton** believed that there are other options available to them when it comes to dealing with that pole. **Director Kerr** talked about finding a middle ground when it comes to handle the pole fee and other improvements. He said with more research can determine the decision. **Director Kerr** read the current condition of approval and the two options that the applicant can choose from. He suggested on adding a clause that could say if PGE can provide a reduce price, the applicant can pay the lower cost. **Commissioner Bartel** agreed with the idea of adding a clause to the conditions of approval. **Commissioner Berlin** asked about the parking location on the property as it's in a water retention place.

Applicant Bolton explained the retention design system that they made for the project, essentially making the parking area as the retention area. He explained how it works and that it's the same model they have done to other projects in Woodburn as well. There will be signs posted to notify those living in the multi-family property. **Commissioner Bartel** asked what the estimated time for the water to drain away. **Applicant Bolton** said once it reached a certain depth and there will be an overflow-catch basin. The drainage can only come up to a certain elevation, above the low point of the site and then it overflows into the catch-basin, located by the driveway entrance. **Applicant Bolton** said it won't enter the public street and continued to explain more about it. **Commissioner Corning** asked why there isn't a wall required for this project, as there is a recreational area near the site. **Director Kerr** said it was a discretionary decision and staff didn't think the site needed one. However, there will be fences on the site for the proposed project. **Applicant Bolton**, **Director Kerr**, and the **Planning Commission** talked more about the landscape plan.

Testimony of Proponents: None.

Testimony of Opponents: Ernesto Montalvo, 1820 Hardcastle Ave. Woodburn, OR 97071. Mr. Montalvo stated that he doesn't agree with the project. He is more concerned about the traffic that is increasing in that area. He said there are plenty of apartments in the area already, such as Pacific Valley Apartments near Al's Garden. Mr. Montalvo stated that it's crowded with traffic on 99E, and he doesn't want any more traffic in the area.

Vice-Chair Ellsworth asked if there was a Traffic Impact Analysis report done for this project. **Director Kerr** stated that it wouldn't require a Traffic Impact Analysis report because the project is 9 units. In terms of traffic, **Staff** looks at it based on the underlying zoning is, an exempling being that the project is in a Commercial General zone. He explained that the overall impact of the system, it doesn't significantly add or change anything when it comes to traffic flow. **Director Kerr** pointed out that it will have the standard SDC charges for the site.

Rebuttal by the Applicant: Applicant Bolton stated that he doesn't have a rebuttal, but more of a comment. He talked about the subdivision that Mr. Montalvo lives in, which is relatively new, is that the subdivision has property around it that can be subjugated to bigger residential development. **Applicant Bolton** gave some examples on some lots that can be turned into either triplexes or duplexes, because those properties have those allowed uses.

Vice-Chair Ellsworth closed the public hearing and moved to the deliberation. **Commissioner Corning** said that the project would be a good use for the property. **Commissioner Bartel** understands the concern about additional traffic. She said that the developer did a really good job on the design. **Commissioner Bartel** commented on that hopefully there will add the caveat about the pricing structure for the removal of the pole. **Commissioner Hernandez-Mejia** commented about the need for housing and that it's good that Woodburn is getting more options. She mentioned the issue about traffic and how it's been an issue in Woodburn. She stated that the **Planning Commission** had approved projects with the same issue being brought up, that at this point traffic isn't a strong argument to make to halt a proposed project. The **Planning Commission** talked more about traffic for a bit, but all seemed to agree on the project.

Vice-Chair Ellsworth entertained a motion. **Commissioner Corning** moved that the **Planning Commission** approve the consolidated application package for **CU 22-04 & DR 22-15: Hardcastle Apartments at 1755 Hardcastle Ave**, subject to the conditions of the staff report, amending as recommended for staff approval CU.1.E2, or a lesser amount if agreed to by PGE, and an order be prepared for the signature of the chair. **Commissioner Hernandez-Mejia** seconded. **Vice-Chair Ellsworth** asked for all of those in favor and the vote was unanimous, therefore **CU 22-04 & DR 22-15: Hardcastle Apartments at 1755 Hardcastle Ave** was approved.

VAR 23-01

Vice-Chair Ellsworth opened the public hearing for **VAR 23-01: Amazon Monument Sign Variance at 450 S. Butteville Rd.** She explained that it's a variance request by Amazon to have two monument signs along Butteville Road instead of one.

Vice-Chair Ellsworth asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits and there are none. **Vice-Chair Ellsworth** asked if they were any challenges to the **Commission** and there are none.

Commissioner Lassen joined the **Planning Commission Meeting** via videocall at 7:58 pm.

Vice-Chair Ellsworth asked for the public hearing statement and **Assistant City Attorney Granum** read the statement.

After the statement, **Director Kerr** presented the staff report for **VAR 23-01 Amazon Monument Sign Variance**. He explained that **Planner Dan Handel** put the presentation together for tonight's hearing. **Director Kerr** gave a brief explanation of the land-use application being a Type III and the **Planning Commission's** role for tonight He stated that the staff report with its attachments are entered into the

record. **Director Kerr** gave his presentation. After concluding his presentation, **Director Kerr** asked the **Planning Commission** if there were any questions. The **Planning Commission** had no questions or comments at this time.

Testimony by the Applicant: Brent Albers from Identity Signs, 14941 NE 95th St. Redmond, WA 98052. **Applicant Albers** is the Project Manager for this sign project and is here tonight to explain this variance request. The reason why this variance is requested is because its for the safety for the semi-trucks, workers, and regular vehicles who would be coming in and out of the site. He explained the four separate entrances for the site, to avoid traffic problem. **Applicant Albers** explained the current signs right now and how short they are for people to see, who are coming in a high speed and may miss their correct entrance into the site. Therefore, it is necessary to have two signs, with a size change to help navigate traffic in and out of the facility.

Commissioner Hernandez Mejia asked **Applicant Albers** what the appropriate size for these signs, to gain better visual to drivers. **Applicant Albers** said that they typically made 8ft x 12ft signs but that would be a 96 and would go against the City's development ordinances. He explained the signs visual descriptions and mentioned that their truck drivers are trained to use the signs to enter the correct entrance.

Commissioner Corning asked if they're not allowed to have signs on the other side of the site's driveways and **Applicant Albers** said no because the code can only allow one sign. **Director Kerr** explained why the code is the way it is and talked about the conditions of approval of the Amazon project. **Commissioner Corning** asked who used the other driveways and **Applicant Albers** said it's Amazon associates, visitors, recruiters, jobseekers, and many more Amazon staff. **Applicant Albers** explained the site map of the signage plan and explain the different entrance routes.

Vice-Chair Ellsworth asked if there were more questions and there were none.

Testimony of Proponents: None.

Testimony of Opponents: None.

Vice-Chair Ellsworth closed the public hearing and moved to the deliberation. The **Planning Commission** collectively agreed that this request is necessary for the Amazon project.

Vice-Chair Ellsworth entertained a motion. **Commissioner Corning** moved that the **Planning Commission** approved **VAR 23-01: Amazon Monument Sign Variance at 450 S. Butteville Rd**, subject to the conditions of the staff report, and an order be prepared for the signature of the chair. **Commissioner Lassen** seconded. **Vice-Chair Ellsworth** asked for all of those in favor and the vote was unanimous, therefore **VAR 23-01: Amazon Monument Sign Variance at 450 S. Butteville Rd.** was approved.

CU 22-05

Vice-Chair Ellsworth opened the hearing of **CU 22-05: Heritage Elementary School at 440 Parr Rd.** It's a conditional use application for a large open-air shelter for outdoor play.

Vice-Chair Ellsworth asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits. **Commissioner Hernandez-Mejia** commented that she's part of the school board. **Vice-Chair Ellsworth** said that it would be categorized as a conflict of interest and asked **Commissioner Hernandez-Mejia** if this would preclude her from making a fair and impartial decision. **Commissioner Hernandez-Mejia** said potentially, as she could be easily convinced but at the same time, she believes that she can make an unbiased decision, but understands if she needs to recuse herself. **Vice-Chair Ellsworth** asked if there were more declarations, which there were none. **Vice-Chair Ellsworth** asked if they were any challenges to the **Commission** and there are none.

Assistant City Attorney Granum stated that the next step is for the **Planning Commission** to continue the hearing for the later date, requested by the **Applicant** and **Staff**.

Vice-Chair Ellsworth stated that the applicant has requested that the **Planning Commission** would continue the hearing to April 13, 2023, meeting. **Vice-Chair Ellsworth** asked for a motion. **Commissioner Corning** moved that the **Planning Commission** to continue the hearing of **CU 22-05: Heritage Elementary School at 440 Parr Rd.**, until April 13, 2023. **Commissioner Lassen** seconded. **Vice-Chair Ellsworth** asked for all of those in favor and the vote was unanimous, therefore **CU 22-05: Heritage Elementary School at 440 Parr Rd.** was approved to be continued for the April 13, 2023, **Planning Commission** meeting.

CU 22-06

Vice-Chair Ellsworth opened the hearing of **CU 22-06: Lincoln Elementary School at 1041 N. Boones Ferry Rd.** It's a conditional use application for a large open-air shelter for outdoor play.

Vice-Chair Ellsworth asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits. **Commissioner Hernandez-Mejia** stated the same reason from earlier of being a member of the school board. She mentioned that she has a daughter who attends Lincoln Elementary School. **Vice-Chair Ellsworth** asked **Commissioner Hernandez-Mejia** if this would preclude her from making a fair and impartial decision. **Commissioner Hernandez-Mejia** said she can make an unbiased decision but understands if she needs to recuse herself from this matter. **Vice-Chair Ellsworth** asked if there were more declarations, which there were none. **Vice-Chair Ellsworth** asked if they were any challenges to the **Commission** and there are none.

Vice-Chair Ellsworth stated that the applicant has requested that the **Planning Commission** would continue the hearing to April 13, 2023, meeting. **Commissioner Corning** moved that the **Planning Commission** to continue the hearing of **CU 22-06: Lincoln Elementary School at 1041 N. Boones Ferry Rd.**, until April 13, 2023. **Commissioner Berlin** seconded. **Vice-Chair Ellsworth** asked for all of those in favor and the vote was unanimous, therefore **CU 22-06: Lincoln Elementary School at 1041 N. Boones Ferry Rd.**, was approved to be continued for the April 13, 2023, **Planning Commission** meeting.

CU 22-07

Vice-Chair Ellsworth opened the hearing of **CU 22-07: Nellie Muir Elementary School at 1800 W. Hayes St.** It's a conditional use application for a large open-air shelter for outdoor play.

Vice-Chair Ellsworth asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits. **Commissioner Hernandez-Mejia** stated the same reason from earlier of being a member of the school board. **Vice-Chair Ellsworth** asked **Commissioner Hernandez-Mejia** if this would preclude her from making a fair and impartial decision on this application. **Commissioner Hernandez-Mejia** said she can make an unbiased decision but understands if she needs to recuse herself from this matter. **Commissioner Bartel** commented that it's her neighborhood school, as she passes by it to travel to work every day. **Vice-Chair Ellsworth** asked **Commissioner Bartel** if this would preclude her from making a fair and impartial decision and **Commissioner Bartel** said no. **Vice-Chair Ellsworth** asked if they were any challenges to the **Commission** and there are none.

Vice-Chair Ellsworth stated that the applicant has requested that the **Planning Commission** would continue the hearing to April 13, 2023, meeting. **Commissioner Corning** moved that **Planning Commission** to continue the hearing of **CU 22-07: Nellie Muir Elementary School at 1800 W. Hayes St.** until April 13, 2023. **Commissioner Berlin** seconded. **Vice-Chair Ellsworth** asked for all of those in favor and the vote was unanimous, therefore **CU 22-07: Nellie Muir Elementary School at 1800 W. Hayes St.** was approved to be continued for the April 13, 2023, **Planning Commission** meeting.

CU 22-08

Vice-Chair Ellsworth opened the hearing of **CU 22-08: Washington Elementary School at 777 E. Lincoln St.** It's a conditional use application for a large open-air shelter for outdoor play.

Vice-Chair Ellsworth asked the **Commission** if there are any declarations, potential conflicts of interests, *ex-parte* contacts, or site visits. **Commissioner Hernandez-Mejia** stated the same reason from earlier of being a member of the school board and that she drove by the school a few times. **Commissioner Hernandez-Mejia** said she can make an unbiased decision but understands if she needs to recuse herself from this matter. **Vice-Chair Ellsworth** asked if there were any challenges to the **Commission** and there are none.

Vice-Chair Ellsworth stated that the applicant has requested that the **Planning Commission** would continue the hearing to April 13, 2023, meeting. **Commissioner Corning** moved that **Planning Commission** to continue the hearing **CU 22-08: Washington Elementary School at 777 E. Lincoln St.** until April 13, 2023. **Commissioner Berlin** seconded. **Vice-Chair Ellsworth** asked for all of those in favor and the vote was unanimous, therefore **CU 22-08: Washington Elementary School at 777 E. Lincoln St.** was approved to be continued for the April 13, 2023, **Planning Commission** meeting.

Business from the Commission: None

Staff Update: **Director Kerr** stated that he had a few items. He talked about the memo that **Director of Special Projects Renata Wakeley** wrote for the **Planning Commission**. The memo is about nominating a member of the **Planning Commission** to be a representative for **UGB Technical Advisory Group (TAG)**. **Director Kerr** gave some context about the City bringing in the **City's Urban Reserve Area**, which is the industrial area located on the Southwest part of town and bringing it into **Urban Growth Boundary (UGB)**. He explained that once the **city** goes through the State process of bringing a property into the **UGB**, that property can be annexed and then the property can be developed in the City.

Staff has started the process and it requires a lot of background data, analysis, and other important documents. He explained more of this process to the **Planning Commission** and what is needed to help lead the City to pursue a UGB amendment. The City has acquired help from Johnson Economics as an outside consultant to help with the process. **Director Kerr** stated that making the **Technical Advisory Group (TAG)**, is one of the steps in the process. This group is a collective of city staff, elective officials, business owners, and property owners to advise Johnson Economics. Once Johnson Economics start preparing the information, they will present it to the TAG for comments and approval, before being presented to the **City Council**.

Director Kerr asked if any of the **Planning Commissioners** wanted to be nominated for the TAG position and will be presented in front of **City Council** for approval. **Vice-Chair Ellsworth** recommended **Commissioner Corning** to be the **Planning Commission** representative. **Commissioner Berlin** seconded. The other **Commissioners** agree with the nomination. **Commissioner Corning** accepted the nomination.

Director Kerr talked about the next upcoming planning commission meetings. On **March 23**, there are four quasi-judicial items for review. On **April 13**, there are four quasi-judicial items and it'll be the continued items from the school district.

Commissioner Bartel wanted to say that she won't be able to attend **May 11th** meeting.

Director Kerr wanted to schedule some time in the future a meeting with the **Planning Commission** to have a discussion with the **City Administrator**. This would be on any issues the **Planning Commission** wanted to discuss, such as traffic or public improvements. The **Planning Commission** agreed with this idea and a date will be decided later.

Adjournment: **Vice-Chair Ellsworth** entertained a motion to adjourn. **Commissioner Corning** motioned to adjourn, and **Commissioner Berlin** seconded. The vote was unanimous, and the meeting was adjourned at 8:36pm.

Approved _____
Lisa Ellsworth
Vice-Chair of Planning Commission
City of Woodburn, Oregon

Date

Attest _____
Chris Kerr, AICP
Community Development Director
City of Woodburn, Oregon

Date